

## **MINUTES OF THE LAND RECLAMATION COMMISSION MEETING**

July 27, 2006  
10:00 a.m.

Chairman, Jim DiPardo called the meeting to order at 10:00 a.m., at the Missouri Department of Natural Resources, 1738 East Elm Street, Jefferson City, Missouri.

**Commissioners Present:** Jim DiPardo, Nick Matherly, Mimi Garstang, Ed Galbraith, Bob Ziehmer, Dr. Gregory Haddock and Col. John Riffle.

**Staff Present:** Larry Coen, Tom Cabanas; Bill Zeaman; Steve Femmer; Andy Reed; Clint Bishop; Mike Larsen, Guy Frazier, Larry Teson, Larry Hopkins, Teri Bibbs and Teresa Schubert.

**Others Present:** Harry Bozoian, Attorney General's Office; Steve Rudloff, MLPA; James D. Rolls, AECl; Amy Cook, Gredell Engineering; Dan Upp, AECl; Mikel Carlson, Aeromet Engineering; Francis Fischer, Fischer Quarry; Tina Ringwold, Fischer Quarry; Terry A. Stewart, landowner; Kay F. Stewart, landowner; Terry A. Stewart, Jr., landowner; Kacey Taylor, landowner; James W. Williams, landowner; Linda Doerge, landowner; Barbara Williams, landowner; Robert Nugent, landowner and Eugene L. Gerard, landowner.

### **MINUTES OF THE MAY 25, 2006 LAND RECLAMATION COMMISSION MEETING**

Dr. Haddock made a motion to approve the May 25, 2006 Commission meeting minutes. Mr. Ziehmer seconded the motion; motion carried unanimously.

### **PERMITS, CONTRACTS AND DESIGN-CLINT BISHOP**

#### **AML Status Update**

The Abandoned Mined Land (AML) staff has completed the preliminary design phase of the Rocky Fork AML Reclamation Project located in northern Boone County. The project remains on schedule to be advertised for construction bids this fall. Four (4) extremely dangerous lead/zinc mine shafts are also currently under design. One (1) of these shafts is located in Jasper County, 2 are in Newton County and 1 is in Christian County. The AML staff plans to close all 4 of these shafts this summer and fall; however, we are still awaiting return of the signed landowner reclamation consent forms for the 2 shafts located in Newton County.

#### **AML Emergency Program**

No AML coal emergency complaints have been received since the last commission meeting.

### **AML Maintenance Activities**

The AML staff is assessing maintenance needs on recently completed reclamation projects for possible maintenance/revegetation work to be conducted this fall and/or spring 2007.

### **COAL PERMITTING ACTIVITIES UPDATE – CLINT BISHOP**

#### **AML Reclamation Projects**

Mr. Bishop reported that during the reporting period, LRP received 4 new coal permit actions; 3 minor revisions to existing permits and 1 new coal permit application requiring a first completeness review. All 4 of these actions were finalized during this same period. Additionally, 5 permit actions received prior to May 4, 2006, were finalized during this reporting period. As of the date the presentation was prepared, no coal permit actions were awaiting review by the Land Reclamation Program staff.

### **INDUSTRIAL MINERALS – TOM CABANAS**

#### **Hearing Request Concerning the Permit Application sought by Fischer Quarry & Hauling, LLC, Ste. Genevieve County – for 24 Acres.**

Mr. Cabanas provided background for the hearing request via memorandum:

On December 12, 2005, the Missouri Department of Natural Resources Land Reclamation Program received a permit application from Fischer Quarry & Hauling, LLC to open a new quarry to mine limestone in St. Genevieve county to be called the Hardstone Pit #2. After the application was deemed complete the company published the public notice once a week, beginning December 21, 2005, for four consecutive weeks in the Ste. Genevieve Herald, a newspaper that is qualified to publish Public Notices pursuant to Section 493.050 RSMo, in Ste. Genevieve County. The company also sent by certified mail a notice of intent to operate a surface mine to the appropriate government officials, adjacent and contiguous property owners. The addresses of adjacent and contiguous landowners were obtained from the local Assessor's Office and by other means. This proposed permit application to mine limestone is located at Section 3, Township 38N, Range 7E in Ste. Genevieve County. The proposed mine operation timeframe is to the year 2050.

Problems were noted with the application, however, as pointed out by adjacent landowners that reviewed it. Once the problems were corrected the applicant ran the public notice again on February 22, 2006, for four consecutive weeks in the Ste. Genevieve Herald. The company also sent out a new notice of intent to operate a surface mine to the appropriate government officials, adjacent and contiguous property owners at the same time they published the public notice.

The Staff Director received five (5) letters requesting a hearing during the comment period concerning the proposed application. The individuals requesting the hearing are John P. King of Blumenfeld, Kaplan & Sandweiss, P.C., attorney on behalf of Cingular Wireless, Terry Stewart, Sr., Kay Stewart, Beau Davis, Susan Stewart, Terry Stewart, Jr. Mr. And Mrs. Norman Bell, Eugene L. Gerard, and James and Barbara Williams. There were also letters making comments received from Wayne and Christine Fallert, Patricia McNiff, the Ste. Genevieve County School Board, and Rosemary Faupel. E-mail messages making comments on the application were received from Dolores Basler and Debra Seibel.

A request for a public meeting was also made by James and Barbara Williams. The company, Fischer Quarry & Hauling, LLC agreed to hold a public meeting at 7:00 p.m. on April 4, 2006, at the Knights of Columbus Hall, 175 Jersey Lane, Bloomsdale, MO. The minutes of that meeting and the director's findings were distributed on May 11, 2006, to all individuals who provided their names and addresses. The parties who provided written comments, requested a public meeting or hearing during the applicable public notice period were allowed thirty (30) days from the date of the director's findings to request a hearing based upon the results of the public meeting. One letter requesting a hearing was received during the thirty (30) day period from Terry Stewart, Sr., Kay Stewart, Beau Davis, Susan Stewart and Terry Stewart, Jr.

The Land Reclamation Act addresses the issues of a request for a hearing, proper public notification, safety barriers and issues of non-compliances. The Missouri Department of Natural Resources does not provide protection from the effects of blasting or to property boundaries, future wells, road maintenance, traffic congestion, traffic safety issues, property values, restrictions on the size of permit areas, noise, proximity to homes and other adverse impacts outside the jurisdiction of the department.

On July 7, 2006, the Staff Director did inform the people requesting a hearing of the time, location of and how to prepare for the July 27, 2006 commission meeting.

The Staff Director's Notice of Recommendation was attached which explained the basis for the recommendation to issue the permit. The recommendation to issue is based on the operator satisfying the requirements to obtain a permit.

There were six requests to make presentations to the Commission from audience members. Mr. DiPardo asked the audience who would like to speak first. The company owner, Mr. Francis Fischer, addressed the Commissioners. Although he did not have a presentation, he asked if the Commissioners had any questions. Commissioner Bob Ziehmer asked about the anticipated truck traffic and what the expected volume of trucks using the road daily would be.

The owner stated that it would be hard to predict. The volume of truck traffic would depend on the amount of rock that needed to be moved. "It could be one truck or ten trucks; just do not know right now."

Mr. Ziehmer then asked if Mr. Fischer had had further contact with the school board and Mr. Fischer noted that there had been no further contact.

Col. Riffle asked if it had been established that there was rock in that location and Mr. Fischer stated that there is in fact rock in this location. Col. Riffle then wanted to know the means of establishing this fact. Mr. Fischer the stated that he had the area tested both for rock and the quality of the rock.

Next, Mr. DiPardo asked landowner, Barbara Williams, to speak. She asked that her daughter, Linda Doerge speak on her behalf. Therefore, Ms. Doerge addressed the

Commission and defined public health as the health of the community rather than the health of various individuals. She asked that she address the Commissioners regarding her parents.

She spoke about the heart condition and pacemaker her father has and how she feels allowing the quarry to go into business would have a negative impact on his health and well-being, as well as the health and well-being of the elderly and small children in the area. Seven studies have been completed over a number of years that relates public health to air quality. She provided the Commission with a new study by EPA.

She quoted statistics of studies regarding quality of air and the negative effect on public health. Mr. DiPardo asked for questions and Ms. Garstang asked where her parents live in relationship to the proposed acreage to be mined. She explained that the landowners' property line is "next" to the quarry land. Ms. Doerge passed information to the Commissioners, followed by further discussion regarding their land's proximity to the quarry.

Landowner, Jim Williams, Ms. Doerge's father, addressed the Commissioners with his concern over the proximity of the quarry to the school and stated that it would be less than the required 1000 feet. He once again emphasized his thoughts regarding the negative impact of permitting the quarry. The property owner, Mr. Carron, told Mr. Williams that there would be no crushing or blasting, but now that has changed.

The next speaker, landowner, Kay Stewart, addressed the Commissioners. She offered to the Commission a publicly taped video of the public meeting held in April in Ste. Genevieve. She noted that this was a 2-hour tape only which meant that not all of the meeting was recorded as the meeting went longer than 2-hours.

Ms. Stewart started her presentation by quoting two amendments of the US Constitution and four of the MO Bill of Rights that she feels would be violated if the Commission approves the permit. She next described in great detail an outline she created to describe the flaws within the permitting process of Fischer Quarry. She was frustrated that the company was given a second chance to file a complete application.

Dr. Haddock asked for clarification of her comments about the publication of the revised minutes. Mrs. Stewart explained that the Revised Statutes 444.773 require the director's recommendation within 30 days, but it was published the first time several days late. Then the minutes were re-published about two months later. Mr. DiPardo asked for commentary from Mr. Coen regarding this. Mr. Coen explained that the minutes were published late.

Mr. DiPardo then asked Mr. Cabanas to explain Ms. Stewart's comments regarding a revision in Fischer Quarry's permit application. Mr. Cabanas explained in detail that the landowner who may not have been properly notified was Mr. Girard who did request a hearing. His property is adjacent to a 2-acre area owned by Alexis Carron. This two acres area is being removed from the mine plan area.

Ms. Stewart asked how the public would be notified of the two-acre change. Mr. Cabanas explained that when an application is being reduced in size, this is considered a minor

revision and was not an impact requiring a public notice. Ms. Stewart then read a letter from Mr. and Mrs. Norman Bell.

Dr. Haddock stated that he felt that the Commissioners could not take the time to watch the video but should view the photographs supplied by Ms. Stewart.

Ms. Garstang followed this with questions regarding the issue stated by landowners that not all persons were properly notified. Land Reclamation Program staff members answered these questions. Ms. Garstang also asked questions regarding the existing permit, which was answered by Mr. Cabanas.

Mr. Cabanas explained the maps to the Commission and the discrepancy between the area submitted on the initial permit application and the newly submitted changes. The property owned by the Carron's was the disputed area which county records have verified as noted by Mr. Cabanas.

After further discussion between the Commissioners and Mr. Cabanas, Ms. Stewart continued with her presentation regarding the road and the access to the quarry. Her concerns as she once again emphasized were the safety and health of the public.

Lastly, Ms. Stewart recapped her concerns over the LRP's permitting of the quarry and the effect this would have on the safety and health of the public.

Next, Mr. DiPardo asked Ms. Stewart to explain her presentation statements referencing comments made at the April Public Hearing regarding blasting. He noted that the quarry did have representatives at that meeting that spoke on blasting and answered questions. Ms. Stewart once again explained her position on this issue. Then Mr. DiPardo asked her to explain the statement referencing the Planning and Zoning Commission. Mr. DiPardo stated that it was his understanding that the community once had a Planning and Zoning Commission, but voted it out. The Planning and Zoning Commission deal with blasting issues. Ms. Stewart explained that was her understanding as well.

Dr. Haddock then asked questions of Ms. Stewart regarding her use in a letter of the Land Reclamation Commission being inept. Dr. Haddock was offended by this type of characterization and he also clarified to her that the Land Reclamation Program works for the Commission which in essence makes the Commission the supervisors over the staff. She then explained that she was speaking for people that could not be at the meeting and expressed her frustrations, also.

Mr. DiPardo then stated that it was very important to the meeting and Commission to know the situation with the road since that was a main issue of concern for the landowners. Dr. Haddock then asked for clarification of the property owners that will effected by the easement.

Mr. Galbraith wanted to know more about the legal issues with the road and asked that Mr. Bozoian advise the Commission before the end of Ms. Stewart's testimonial on the legality of this issue and the jurisdiction of the Commission on this issue.

Mr. Bozoian advised that the Land Reclamation Program inspectors do have legal and physical access to this site for the purpose of issuing the permit. Further discussion ensued between Ms. Stewart, the Commissioners and Mr. Bozoian regarding the easement to the property. There were more questions as to whether this is in litigation at present or whether there is pending litigation on this issue. Col. Riffle made a motion to table this until further information can be presented to the Commission. However, further discussion ensued and Col. Riffle withdrew his motion, so that more information could be presented.

Mr. Matherly asked what would happen if this access could not be obtained. Mr. Fischer stated that he would have to pursue other location accesses. Mr. Coen noted that if the Commissioners decide to table this hearing request they need to put a timeframe on it.

Dr. Haddock's concern was over the property easement effecting in essence at least four landowners. He then made a motion to grant a hearing by sending this to the Administrative Hearing Commission. Further discussion took place between Mr. Bozoian and the Commission. Mr. DiPardo seconded the motion and asked for a roll call vote. Jim DiPardo, yes; Dr. Greg Haddock, yes; Bob Ziehmer, yes; Nick Matherly, yes; Col. John Riffle, yes; Mimi Garstang, no; Ed Galbraith, no. With a 5:2 vote the motion carried to grant the hearing and send this request to the Administrative Hearing Commission.

Mr. Coen could not give a timeframe for the Administrative Hearing Commission to act on this hearing. The timeframe would be based on the schedule of the Hearing Commission. Mr. Galbraith explained to Ms. Stewart that Mr. Coen would act in a timely manner regarding this process.

After Mr. Galbraith spoke, Ms. Stewart continued with her presentation. Mr. DiPardo asked that she submit to the Commission the documents that she would like reviewed and it would be noted in the minutes. So noted; Ms. Stewart presented for the Commissioners' review: *Fine Inhalable Particulates (PM2.5) Standards, (no title) A chart from Ste. Genevieve High School and Provisional Assessment of Recent Studies on Health Effects of Particulate Matter Exposure.*

Next, the secretary of Fischer Quarry addressed the Commission and noted that the Air Pollution Control Program contacted them on June 5<sup>th</sup> and the Air Pollution Control permit has been established.

Ms. Stewart once again started asking questions and offering comments. At that time, Mr. DiPardo moved to the next agenda item.

#### **SUMMARY OF INDUSTRIAL MINERAL BOND RELEASE REQUESTS APPROVED BY STAFF DIRECTOR – ANDY REED**

The Staff Director of the Land Reclamation Program has reviewed, evaluated, and approved the following Industrial Mineral bond release requests since the March, 2006, meeting of the Land Reclamation Commission. This summary was provided for the Commission's information:

Company	Permit #	Mine	Land Use	Acres Released	Amount Released
Joplin Stone Co.	0124	Joplin Stone	Industrial	23	\$11,500.00
Willard Quarries	0210	Lebanon Quarry	Industrial	10	5,000.00
Politte Investment	0345	Washington County site #2	Water, Unaffected	9, 3	6,000.00
Hunt Midwest Mining Green Quarries	0102	Blue Mound	Pasture, Water	61,6	33,500.00
Hunt Midwest Mining	0058	Stamper	Pasture, Wildlife, Industrial, Water	137, 35, 33 9	107,000.00
Glen-Gery	0545	Midland Shale Pit	Wildlife	35	21,500.00
Winter Brothers Material Company	0010	Allen Road	Water	8	*3,500.00
Hilty Quarries, Inc.	0119	Quarles Quarry	Industrial	9	4,500.00
Hilty Quarries, Inc.	0119	Warrensburg II	Pasture	7	3,500.00

Staff presented the above request for bond release to the Staff director. The Staff Director approved the releases noted above following review of the requests along with photographs taken during the bond release inspections.

Confirmation of the approval has been sent to the company and bonding entities.

\*Bonding for this company is in Certificates of Deposit, which could not be combined to total \$4,000.00, the company is presently overbonded by \$500.00.

#### **COAL BOND FORFEITURE STATUS REPORT – MIKE LARSEN**

Since the last update provided to the Commission on May 25, 2006, the bond forfeiture staff has continued to conduct on the ground inspections and evaluations of bond forfeiture sites. In addition, the staff has been working with contractors in order to complete needed repairs and maintenance at various bond forfeiture sites around the state.

The following is a brief summary for the Commission's information as to the work progressing and/or completed since the May, 2006 meeting:

#### **Riedel Energy, Inc. – Perry Mine (Multiple Permits) – Monroe and Ralls Counties:**

A contract has been awarded for the removal and proper closure of all ground/water-monitoring wells originally installed by the coal mining company. Work to remove and close these wells is expected to begin later this summer.

#### **Universal Coal and Energy Co., Inc. – Mine #4 (Multiple permits) – Howard County:**

Work with the landowners of the remaining areas of this mine continues. Contracts for erosion repair and soil redistribution were awarded and the work has been completed. Rock placement on areas prone to erosion will be completed during the month of August. This will be done to ensure that erosion does not become a problem for the landowners in the

future. Soil amendments (lime and fertilizer) have been applied on all areas that received soil placement.

One major feature of this mine site was the crossing of the coal haulage road connecting the mine with the processing area over a stream known as Moniteau Creek in northeastern Howard county. When the coal company abandoned the mine, the haulroad crossing over the creek was removed. The removal left remnants of the crossing in the form of large pieces of concrete and very large limestone boulders. This has caused a certain amount of flow restriction in the creek and associated bank erosion.

The staff has recently visited the site of the crossing in order to prepare the proper permit authorization through the Army Corps of Engineers for the remediation of this problem. This will be done by the removal of the restrictions from the flow channel of the creek and the subsequent stabilization of the bank by placement of the leftover concrete debris and rip-rap armoring. Because this involves work done below the ordinary high water mark of Moniteau Creek, a general permit from the corps is required.

Erosion repair and the installation of a new spillway system were completed on an impoundment located in the central portion of the mine. Finally, all newly topsoiled areas of the mine have been seeded with a grass/legume mixture. It is expected that by the end of calendar year 2006 the work on all areas of this mine site will be finished. Additional revegetation work is also planned for later this summer and/or early this fall. Release presentations will be made to the Commission when the revegetation work has been assessed and is deemed to have been successful.

#### **Universal Coal and Energy Col, Inc. –Renick Mine – Randolph County**

Repairs were completed during the month of June on the spillway for pond #002. The work completed involved the placement of rock along the sides of the spillway to prevent further erosion from occurring into the embankment of the pond and to reshape the flow channel of the spillway itself. Additional erosion repair was completed on the access road into the property and the road surface received additional rock for stability and for the safety of the landowner.

This minesite is now considered to be ready for a bond/liability release presentation to the Commission. This will be done under a separate agenda item at the July 27, 2006, meeting of the Land Reclamation Commission.

#### **SUMMARY OF COAL BOND RELEASES APPROVED BY THE STAFF DIRECTOR- STEVE FEMMER**

The Staff Director of the Land Reclamation Program has evaluated and approved the following liability releases. This is an informational summary that is being presented to the Commission in which no action is being requested.

#### **Associated Electric Cooperative, Inc. BeeVeer Mine Permit No. 1988-04, PP-06-01**

<u>Bond No.</u>	<u>Type of Release</u>	<u>Acreage</u>	<u>Amount/acre</u>	<u>Amount Total</u>
Self bond	Phase I, II and III	10.8	\$2500.00	\$ 27,000.00



Self bond	Phase II and III	81.9	\$ 500.00	\$ 40,950.00
Self bond	Complete Undist.	72.4	\$2500.00	\$181,000.00
	<b>Total</b>	<b>165.1</b>		<b>\$248,950.00</b>

**Associated Electric Cooperative, Inc. BeeVeer Mine Permit No. 1986-02, PP-06-02**

<u>Bond No.</u>	<u>Type of Release</u>	<u>Acreage</u>	<u>Amount/acre</u>	<u>Amount Total</u>
Self bond	Phase I, II and III	1.5	\$2500.00	\$ 3,750.00
Self bond	Complete Undist.	6.5	\$2500.00	\$16,250.00
	<b>Total</b>	<b>8.0</b>		<b>\$20,000.00</b>

**Associated Electric Cooperative, Inc. BeeVeer Mine Permit No. 1985-16, PP-06-03**

<u>Bond No.</u>	<u>Type of Release</u>	<u>Acreage</u>	<u>Amount/acre</u>	<u>Amount Total</u>
Self bond	Phase I, II and III	5.8	\$2500.00	\$14,500.00
Self bond	Complete Undist.	3.2	\$2500.00	\$ 8,000.00
	<b>Total</b>	<b>9.0</b>		<b>\$22,500.00</b>

**Associated Electric Cooperative, Inc. BeeVeer Mine Permit No. 1984-17, PP-06-04**

<u>Bond No.</u>	<u>Type of Release</u>	<u>Acreage</u>	<u>Amount/acre</u>	<u>Amount Total</u>
Self bond	Phase I, II and III	109.8	\$2500.00	\$ 274,500.00
Self bond	Phase II and III	299.8	\$ 500.00	\$ 149,900.00
Self bond	Complete Undist.	103.0	\$2500.00	\$257,500.00
Self bond	Phase II and III	2.1	\$2000.00	\$ 4,200.00
	<b>Total</b>	<b>514.7</b>		<b>\$686,100.00</b>

This represents a release from all liability for all the permitted acreage comprising the BeeVeer Mine. The total dollar amount will be reconciled at the end of each year.

After Mr. Femmer's presentation, Mr. Mike Giovanti of Associated Electric Cooperative addressed the Commissioners to further explain the reclamation on the property.

At this time, Ms. Garstang excused herself from the meeting.

**COAL SURETY BOND AND LIABILITY RELEASE- MIKE LARSEN**

Next, Mr. Larsen made a presentation on Universal Coal and Energy Col, Inc.; Renick Mine #12 (Lincoln General Insurance Company) Permit 1983-21; Final Surety Bond and Liability Release

**The background of this release is as follows:**

On September 26, 1996, the Land Reclamation Commission signed a settlement agreement entered into between Universal Coal and Energy Co., Inc., Lincoln General Insurance company (surety for Universal Coal), the Missouri Attorney General's Office and the Land

Reclamation Program. The settlement agreement set forth the provisions by which Show Cause Order #1624, issued to Universal Coal for a pattern of violations, would be resolved.

The Settlement Agreement stipulated that the Commission would revoke Universal Coal's permit #1983-21 but would not forfeit the bond, #2053 in the amount of \$200,000.00 issued by Lincoln General Insurance Company. The agreement was made that the surety would undertake the reclamation of the Renick mine and comply with all provisions of the Settlement Agreement.

Subsequent to the Commission's approval of the agreement, reclamation work began at the mine site in the summer of 1997 and, for the most part, completed by the end of that year. At the May, 1998 meeting of the Land Reclamation Commission, the staff presented a recommendation to the Commission for a partial release of bond for Lincoln General owing to the fact that all backfilling and grading of the mine site had been completed, all available topsoil had been redistributed to a uniform thickness and all initial seeding work had been completed. This was done in accordance with the provisions of the settlement agreement which provided for a partial release of bond when the bulk of the reclamation work had been finished. The amount of release granted at that time was for 50% of the original bond amount or \$100,000.00

Since that time there has been periodic maintenance problems at the mine site. In particular a spillway associated with pond #002 has historically been a problem. More than one design was tried but all failed during the late 1990's and early 200's. Because of this recurring problem, a final bond release has not been presented to the Commission with a staff recommendation for approval.

Earlier this year, the program worked on this problem with the consultant for the surety in order to provide for a solution. It was decided that hand placement of large rock along the sides of the spillway for embankment protection and removal of large rock from the flow line of the spillway should be done. This work was performed and completed during the early part of June 2006.

It should be noted that all other aspects of the reclamation at this mine site have been successfully completed. The landowners of the property have been contacted twice in writing and by certified mail during the spring of this year and neither the staff nor the consultant for Lincoln General has received any response from them. It is assumed that they are not in disagreement with the proposal for a full and final release of liability at this site.

On June 22, 2006, Mr. Larsen inspected the Renick Mine for compliance with the plan of reclamation and for the completion of all work to qualify the site for a final release of bond and liability. Mr. Perry Purcell of the Office of Surface Mining accompanied staff during the inspection. The following is a description of the observations made during the inspection:

#### **Grading/Topsoil Replacement/Structures**

Grading has been completed to approximate original contour on all areas, topsoil has been entirely redistributed in accordance with the approved plan of reclamation, and erosion is predominately under control.

There exist several permanent water impoundments within the former permit area. All impounding structures are stable and functioning as designed. The spillway for pond #002 has been repaired. The water in all impoundments is of acceptable quality.

#### **Surfacing/Vegetative Cover**

The vegetative cover over the minesite is fully established, self sustaining and of obviously good quality. It has been apparent over the years that the landowner has been utilizing the established grass/legume stand of vegetation for grazing and hay crops. The predominant land use for the mine site is now one of pasture. As mentioned above, there are also several water impoundments left by the mining company that are now used to support an agricultural use.

#### **Permanent Roads:**

There exists one access road in the permit, which has been surfaced with gravel to provide for a durable surface. This road was placed where the former coal haulage road existed. This road remains at the request of the landowner.

#### **Conclusion and Recommendations:**

It is the staff's determination that Lincoln General Insurance company has completed all reclamation required of it in accordance with the approved reclamation plan and signed Settlement Agreement in order to be granted a full and final bond/liability release on all areas affected under Permit #1983-21.

Therefore, it is the staff's recommendation the Commission now grant a full and final release to Lincoln General Insurance Company for any further reclamation liability on Permit #1983-21. This will reduce the remaining bond amount from the existing \$100,000.00 to \$0.00.

Dr. Haddock made a motion for the Commission to follow staff recommendations and grant a full and final release to Lincoln General Insurance Company for further reclamation liability on Permit #1983-21. Col. Riffle seconded the motion; motion carried unanimously.

#### **COMMENTS FROM THE PUBLIC**

Mr. DiPardo asked if there were any further comments. There were no further comments.

#### **OTHER BUSINESS**

Mr. DiPardo turned the meeting over to Mr. Coen. Mr. Coen presented Mr. Hugh Jenkins, former Land Reclamation Commissioner with a resolution thanking him for his years of service from 1998 to 2006. Mr. Jenkins was also presented with a letter from Governor Matt Blunt thanking him for his service. Mr. Jenkins then took the podium and thanked everyone.

#### **CLOSED SESSION**

Mr. Ziehmer made a motion for the Land Reclamation Commission to meet in closed session at 8:30 a.m. on September 28, 2006, to discuss personnel actions, legal actions, causes of actions or litigation as provided for in Section 610.021 RSMo. Dr. Haddock seconded the motion; motion carried unanimously.

**ADJOURNMENT**

Mr. Ziehmer made a motion to adjourn the meeting. Dr. Haddock seconded the motion; motion carried unanimously. Meeting was adjourned at 12:40 p.m.

Respectfully submitted,

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Chairman

DRAFT